



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1309 be amended to read as follows:

- 1 Page 1, line 9, delete ", in writing, an" and insert "**a reasonable**".
- 2 Page 1, line 10, delete "relating to" and insert "**for a known**
- 3 **limitation related to**".
- 4 Page 1, line 13, delete "time." and insert "**time and an employer**
- 5 **must grant the employee's request absent undue hardship on the**
- 6 **employer's business**".
- 7 Page 1, delete lines 14 through 17, begin a new paragraph and
- 8 insert:
- 9 "**(c) For purposes of this chapter, "reasonable accommodation"**
- 10 **includes making existing facilities used by employees readily**
- 11 **accessible and usable, providing more frequent, longer, or flexible**
- 12 **breaks, providing a private place, other than a restroom, for the**
- 13 **purpose of expressing breast milk, time off to recover from**
- 14 **childbirth, modifying food or drink policy, providing modified**
- 15 **seating or allowing the employee to sit more frequently if the job**
- 16 **requires standing, providing assistance with manual labor or**
- 17 **lifting, authorizing a temporary transfer to a vacant position,**
- 18 **providing job restructuring or light duty, acquiring or modifying**
- 19 **of equipment, devices, or an employee's work station, modifying**
- 20 **work schedules, and allowing flexible schedules for prenatal and**
- 21 **postnatal appointments.**

(d) For purposes of this chapter, "undue hardship" means an action requiring significant difficulty or expense."

Page 2, delete lines 1 through 2.

Page 2, line 3, delete "(a)".

Page 2, delete lines 7 through 14, begin a new line blocked left and insert:

"an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions, including counting an absence related to pregnancy under no fault attendance policies. An employer may also not require an employee to take leave under a leave law or policy adopted by the employer if another reasonable accommodation can be provided for known limitations arising from pregnancy, childbirth, or related medical conditions.

Sec. 5. (a) An employer shall provided written notice to:

(1) a new employee at the commencement of employment; and

(2) an existing employee before November 1, 2021;

that the employee has a right to be free from discrimination based on the employee's pregnancy, childbirth, or related medical conditions and that the employer must take reasonable accommodations for the employee's pregnancy, childbirth, or related medical conditions unless doing so would impose an undue hardship on the employer.

(b) Any person adversely affected by an act in violation of this chapter may bring a civil action. A court may award any or all of the following to an individual who prevails in an action under this subsection regardless of whether the person has exhausted any available administrative remedies:

(1) Back pay.

(2) Compensatory and punitive damages.

(3) Prejudgment interest.

(4) Reasonable attorney's fees.

(5) Any legal or equitable relief that will effectuate the purpose of this chapter."

Page 2, line 15, delete "5." and insert "6."

(Reference is to HB 1309 as printed February 9, 2021.)

Representative Bauer M